

ASSEMBLY BILL

No. 1773

**Introduced by Committee on Banking and Finance (Wiggins
(Chair), Chan, Chavez, Correa, Montanez, and Vargas)**

March 13, 2003

An act to amend Section 786 of the Penal Code, relating to venue.

LEGISLATIVE COUNSEL'S DIGEST

AB 1773, as introduced, Committee on Banking and Finance. Venue: identity theft.

Existing law provides for the jurisdiction of a criminal action involving various species of theft, and provides among other venues, that the jurisdiction of a criminal action for unauthorized use of personal identifying information includes the county where the theft of the personal identifying information occurred, or the county where the information was used for an illegal purpose.

This bill would in addition, provide that the jurisdiction of a criminal action for unauthorized use of personal identifying information would also include the county in which the victim resided at the time of the commission of the offense.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 786 of the Penal Code is amended to
- 2 read:
- 3 786. (a) When property taken in one jurisdictional territory
- 4 by burglary, carjacking, robbery, theft, or embezzlement has been

1 brought into another, or when property is received in one
2 jurisdictional territory with the knowledge that it has been stolen
3 or embezzled and the property was stolen or embezzled in another
4 jurisdictional territory, the jurisdiction of the offense is in any
5 competent court within either jurisdictional territory, or any
6 contiguous jurisdictional territory if the arrest is made within the
7 contiguous territory, the prosecution secures on the record the
8 defendant's knowing, voluntary, and intelligent waiver of the right
9 of vicinage, and the defendant is charged with one or more
10 property crimes in the arresting territory.

11 (b) (1) The jurisdiction of a criminal action for unauthorized
12 use of personal identifying information, as defined in Section
13 530.5 of the Penal Code, shall also include *the county in which the*
14 *victim resided at the time of the commission of the offense*, the
15 county—*where in which* the theft of the personal identifying
16 information occurred, or the county—*where in which* the
17 information was used for an illegal purpose. If multiple offenses
18 of unauthorized use of personal identifying information, all
19 involving the same defendant or defendants and the same personal
20 identifying information belonging to the one person, occur in
21 multiple jurisdictions, any one of those jurisdictions is a proper
22 jurisdiction for all of the offenses.

23 (2) When charges alleging multiple offenses of unauthorized
24 use of personal identifying information occurring in multiple
25 territorial jurisdictions are filed in one county pursuant to this
26 section, the court shall hold a hearing to consider whether the
27 matter should proceed in the county of filing, or whether one or
28 more counts should be severed. The district attorney filing the
29 complaint shall present evidence to the court that the district
30 attorney in each county where any of the charges could have been
31 filed has agreed that the matter should proceed in the county of
32 filing. In determining whether all counts in the complaint should
33 be joined in one county for prosecution, the court shall consider the
34 location and complexity of the likely evidence, where the majority
35 of the offenses occurred, the rights of the defendant and the people,
36 and the convenience of, or hardship to, the victim and witnesses.

37 (c) This section shall not be interpreted to alter victims' rights
38 under Section 530.6.

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